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**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING SECOND APPLICATION AND PRIOR PATENT**

Docket Number (Optional)  
05587-00343-US

In re Application of: Frank Osan et al.

Application No.: 09/331729-Conf. #2014

Filed: August 26, 1999

For: TONER FOR DEVELOPMENT OF ELECTROSTATICALLY CHARGED IMAGE CONTAINING  
POLYOLEFIN RESIN HAVING CYCLIC STRUCTURE

The owner\*, TICONA GmbH, of 100%  
percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of  
any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined  
in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending  
second Application Number 09/000,330, filed on May 28, 1998, of any patent on the  
pending second application and of Prior Patent No. 6,210,852. The owner hereby agrees that any patent so granted on the  
instant application shall be enforceable only for and during such period that it and any patent granted on the second  
application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon  
the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant  
application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent  
granted on the second application and Prior Patent No. 6,210,852, as shortened by any terminal disclaimer filed prior to the  
patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is  
found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR  
1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration  
of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.),  
the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on  
information and belief are believed to be true; and further that these statements were made with the knowledge that willful  
false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the  
United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued  
thereon.

2. ☒ The undersigned is an attorney or agent of record.

Ashley I. Pezzner  
Signature

5/26/04  
Date

Ashley I. Pezzner - 35,646

Typed or printed name

(302) 658-9141

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

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